

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

ALEX MELVIN WADE, JR.,	§	
AMERICAN CONSULTANT	§	
	§	
VS.	§	CIVIL ACTION NO. H-09-3198
	§	
BANK OF AMERICA N.A., ET AL.	§	

**ORDER**

On January 26, 2010, the District Clerk received and filed two identical Motions submitted by Plaintiff, Alex Melvin Wade, Jr.. The Motions are each entitled “Motion to Strike Motion to Dismiss by Defendants Bank of America N.A. and Its Unknown Named Employees, Messer, Campbell & Brady, Depo Texas and Craig Michael Becthel” and are docketed as Instruments 29 and 31. Attached to each Motion are documents which are entirely unrelated to this litigation which will be ignored by the Court.

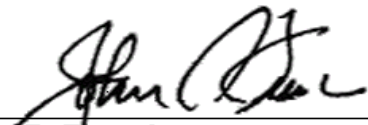
In the Motions Wade asks the Court to strike the Motion to Dismiss of Messer, Campbell and Brady because one of its lawyers, Shawn K. Brady, is the firm’s attorney of record in this case. According to Wade, a “corporation can not be represented by an officer of the corporation, even if that officer is an attorney-at-law.”

Wade is wrong and, under the circumstances of this case, the Court sees no need to await a response from the Defendants. “A corporation may appear through retained

outside counsel or by in-house counsel on the corporate payroll.” Hertzog Calamari & Gleason v. Prudential Insurance Company of America, 850 F.Supp. 255 (S.D. N.Y. 1994)

It is, therefore, **ORDERED** that Wade’s Motions to Strike (Instrument nos. 29 and 31) are **DENIED**.

**DONE** at Galveston, Texas, this \_\_\_\_\_ 1st \_\_\_\_\_ day of February, 2010.

  
\_\_\_\_\_  
John R. Froeschner  
United States Magistrate Judge